

REMARKS

The application has been amended and is believed to be in condition for allowance.

Although the previously pending claims were believed to be non-obvious, in order to advance this case, the previously pending claims have been replaced with new claims, this amendment being part of an RCE application. It is noted that the previously pending claims are being canceled without prejudice and can be reinstated.

The previously pending claims were rejected as obvious over STRONG et al. 5,324,303 in view of ITOH 3,651,972.

Having reviewed the last two Official Actions, it appears that the main reason for the claims being rejected is that they were not in standard U.S. form. Accordingly, the newly presented claims are in more standard form and recite the invention so that the structural features are clearly presented.

As the claims recite the invention in a non-obvious manner, the claims are believed to be patentable. The claims are believed non-obvious as the applied references, taken individually or in any reasonable combination thereof, do not teach the particular combination of the features found in the claims.

Although the Official Action has asserted that an elliptical cap is obvious, which applicants disagree, the particular geometry and structure of the newly presented claims

is non-obvious in that this structure is not shown in either of the references, either individually or in combination.

Consider first claim 8. See the cap is recited as being of a cup form with, at a front end, a base having a central aperture. The claim recites an exterior surface of the cap flaring outwardly into an elliptical cross-section at a break circumference. The claim further recites the exterior surface extending beyond the break circumference, to a rear end of the cap, as a constant elliptical cross-section portion. Later in the claim there is recited two opposed lugs, limited in position to an internal part of the constant elliptical cross-section portion, the two opposed lugs located on a minor axis of the constant elliptical cross-section portion.

Such a structure is not taught or suggested by the prior art.

See the further recited features of the dependent claims.

Further, there is no teaching that such a structure would be advantageous and cooperate with the features recited as to the lancet body. That is, that upon removing the firing device from the cap, the constant elliptical cross-section portion resumes the elliptical cross-section with the opposed lugs closing towards each other and engaging the body at the gap between the ribs to capture the body within the cap.

In view of at least these features of the invention, claim 8 is believed to be both novel and non-obvious over the prior art.

The other independent claims are similar and for corresponding reasons are believed to be patentable.

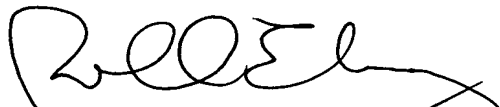
Even if the broad concept of an elliptical cap would be obvious, which applicants dispute, the specific structure as recited in the newly presented claims is believed to be non-obvious.

Accordingly, reconsideration and allowance of the pending claims are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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